

carrier that is not an incumbent local exchange carrier
may either

(1) elect to charge on the basis of the additional costs incurred by the incumbent local exchange carrier calculated using long run incremental costs; or

(2) until 12 months after permanent local telephone number portability is fully implemented in the relevant service area or thirty-six months after commencement of the arrangement, whichever comes first, elect the offsetting of reciprocal obligations through arrangements such as bill and keep; or

(3) elect any existing arrangement entered into by the incumbent local exchange carrier for the recovery of reciprocal obligations.

SUBPART D - Duties Under Section 251(c)

****401 Duty to Negotiate in Good Faith**

(a) Each incumbent local exchange carrier has the affirmative duty to negotiate in good faith with any telecommunications carrier that has submitted, in writing pursuant to 47 C.F.R. § **.601, a request for interconnection, access to unbundled elements, access to rights of way, conduits, ducts, poles or equivalent facilities controlled by the local exchange carrier, collocation, resale of the incumbent's services, number portability, dialing parity, and reciprocal compensation. Good faith negotiation requires the parties to meet and confer at reasonable times and places with an honest,

purposeful effort, free from any delaying tactics, to come to an agreement on the request received. Good faith requires compliance with the procedural rules contained in 47 C.F.R. § **.601 of these rules.

(b) The duty to negotiate in good faith arises immediately upon receipt of any request made in compliance with 47 C.F.R. § **.601 of these rules.

(c) An incumbent local exchange carrier is not negotiating in good faith if it takes any of the following actions:

(1) the incumbent local exchange carrier asks for, or in any way seeks, a general agreement from the requesting telecommunications carrier not to disclose the contents of any negotiations to any other carrier or to any governmental authority;

(2) the incumbent local exchange carrier refuses to negotiate based on the assertion that the requesting carrier has not yet obtained certification from a state commission;

(3) the incumbent local exchange carrier refuses to be subject to reasonable commercial enforcement mechanisms in the agreement, including, but not limited to: mandatory arbitration, specified damages; penalties for failure to perform, or agreed-upon performance standards;

(4) the incumbent local exchange carrier refuses to negotiate any specific term or condition proposed by any requesting telecommunications carrier;

(5) the incumbent local exchange carrier refuses to

respond to any reasonable request for technical information necessary for the requested interconnection within 7 days of receipt of the request; or

(6) The incumbent local exchange carrier requires an admission by the requesting carrier that the requesting carrier believes that the negotiated agreement complies with any provisions of the Telecommunications Act of 1996, federal regulations, or any requirement of state law.

(d) If an incumbent local exchange carrier fails to act in good faith it shall be subject to the mandatory penalties in section **.700.

****.402 Interconnection - §§ 56-65**

(a) Each incumbent local exchange carrier has the affirmative duty to interconnect with the facilities and equipment of a requesting telecommunications carrier for the transmission and routing of telephone exchange service and exchange access. The incumbent local exchange carrier shall provide the requesting telecommunications carrier with the same level of service, facilities, technical standards and rates, terms and conditions as the incumbent local exchange carrier affords to itself or to any subsidiary, affiliate or any other party to which the incumbent local exchange carrier provides interconnection.

(b) The incumbent local exchange carrier shall interconnect on a technology neutral basis with the requesting

telecommunications carrier at one or more technically feasible point(s) within the incumbent local exchange carrier's network without regard to particular transmission medium involved, i.e., digital loops, ISDN, SONET, wireless. The incumbent local exchange carrier and the requesting telecommunications carrier shall deliver traffic from its network to the point of interconnection ("POI") with the other carrier's network. The points of interconnection are to be determined in such a way as to maximize the efficient use of the requesting telecommunications carrier's network architecture without imposing a manifestly unreasonable burden on the incumbent local exchange carrier. Any POI at which any incumbent local exchange carrier currently interconnects with any other telecommunications carrier or end user will be presumed to be a technically feasible point. Any incumbent local exchange carrier that claims that such a POI is not technically feasible shall have the burden of showing that such interconnection is not technically feasible at that point by forwarding documented justification to the requesting telecommunications carrier within 15 days of receipt of the request. Economic, administrative or logistical difficulty in satisfying an interconnection request is not an indication of technical infeasibility.

(c) The incumbent local exchange carrier shall provide interconnection by physical collocation or virtual collocation of facilities as provided in 47 C.F.R. § **.405 below, or, at the requesting telecommunications carrier's option, interconnection may be at any mid-span meet agreed to by both carriers.

(d) At a minimum, the incumbent local exchange carrier shall provide interconnection, at the requesting telecommunications carrier's option, at one of the following:

- (1) the trunk side of the local switch, permitting the option of one or two-way traffic, and allowing for the consolidation of all traffic types including, but not limited to, local or toll, inter-office mileage and wireless carrier arrangements (including access to any switching centers, end offices, local tandems, access tandems, E911 routing centers), and operator services;
- (2) the loop side of the switch;
- (3) tandem facilities; or
- (4) mid-span meets.

(e) The incumbent local exchange carrier shall provide to the requesting telecommunications carrier interconnection that is at least equal in quality to that provided by the incumbent local exchange carrier to itself or its subsidiaries or to any other carrier or to any end-user. To be equal in quality the interconnection must provide the same reliability, speed, and network transmission quality that is provided to any other interconnector. Interconnection must be subject to the same technical and quality control standards that the incumbent local exchange carrier offers to itself or its subsidiaries or to any other carrier or to any end-user. The incumbent local exchange carrier shall be responsible for the installation of, and bear the cost for, provisioning efficient and sufficient facilities to carry the traffic from the POI.

(f) The incumbent local exchange carrier shall provide interconnection on terms and conditions that are just, reasonable and nondiscriminatory. Ordering, provisioning, service billing, installation, maintenance and repair of all facilities and equipment used for interconnection must be provided in a timely manner and in a manner that is non-discriminatory manner vis-a-vis facilities and equipment used solely for provision of service by the incumbent local exchange carrier. "Nondiscriminatory" means that all time intervals and quality of service are at least equal to that provided by an incumbent local exchange carrier to itself or its subsidiaries or to any other carrier or to any end-user.

(g) Charges for the establishment and maintenance of interconnection must be just, reasonable and cost-based as required by section 252(a)(I)(A). Each local exchange carrier shall bear its own cost incurred in construction of facilities to the point or points of interconnection. The costs of construction and maintenance of any new POI facility shall be equally apportioned between the carriers. Telecommunications carriers that are currently provided interconnection by an incumbent local exchange carrier under virtual collocation shall have the option to switch to physical collocation at no cost.

****403 Unbundled Network Elements -- ¶¶ 74-116**

(a) Each incumbent local exchange carrier has the affirmative duty to provide nondiscriminatory access to network elements on an unbundled basis at any technically feasible point

to any requesting telecommunications carrier for the provision of a telecommunications service. Unbundled network elements must be provided in such a manner that the requesting telecommunications carrier can combine such elements, either with other incumbent local exchange carrier elements or with network elements of the requesting telecommunications carrier or any other entity, in order to provide telecommunications service.

(b) At a minimum, an incumbent local exchange carrier shall provide access to the following network elements on an unbundled basis and subject to the following requirements:

1) Local Loops: Local loop means any transmission medium provided between the end office and the end user's premises.

(A) Local loops include, but are not limited, to the following:

(i) at the discretion of the requesting carrier, 2 wire, 4 wire, analog, digital, DS1, DS3, ISDN, provided without any degradation in the technical capabilities of the facility,;

(ii) Unbundled testing and conditioning;

(iii) The ability to cross connect at the local switching office and at the end user's premises, access to any and all network interface devices and any riser cable, conduit or roof rights, to the extent controlled by the incumbent local exchange carrier, so that the requesting telecommunications carrier's facilities may be connected to the local loop

and the end user.

(B) The terms and conditions for provisioning local loops for requesting telecommunications carrier's end users must be at least equal to that provided to the incumbent local exchange carrier's own end users. These terms and conditions shall be incorporated into the agreements between the requesting telecommunications carrier and the incumbent local exchange carrier and in statements of general terms and conditions filed by Bell Operating Companies. Failure to meet these terms and conditions shall be subject to penalties as described in section **.700.

(C) The incumbent local exchange carrier shall provide additional unbundling of the local loop, including but not limited to, network interface devices, loop distribution, loop feeder, and traffic concentration points, upon bona fide request. The incumbent local exchange carrier has the burden of proving why any requested subloop unbundling is not technically feasible. Documented justification must be supplied to the requesting telecommunications carrier within 15 days of receipt of the request.

(2) Local Switching: Local switching facilities include the functions that route traffic or calls, perform route selection, perform testing and recording, and generate the appropriate signaling required for network maintenance and call processing.

(A) The incumbent local exchange carrier shall make local switching available in such a way so that all the necessary information to complete a call is passed between the connecting telecommunications carriers.

(B) The incumbent local exchange carrier shall include the requesting telecommunications carrier's network information in the routing guide and notification of any routing and rating modifications in the same manner as it provides this information to itself. The incumbent local exchange carrier shall also include such information as changes in local calling areas and assignment of new NXX codes until such time as the incumbent local exchange carrier is no longer responsible for these activities. There shall be no charge for the passing of such information between interconnecting carriers. Failure to do so shall subject the incumbent local exchange carrier to penalties as provided in section **.700.

(C) The incumbent local exchange carrier shall provide other switching functionalities that may include, but not be limited to, interconnection to the port, the capability for call paths to be set up and rated, and the availability of advanced switching features such as those used in SS-7 based services and AIN, upon bona fide request. The incumbent local exchange carrier has the burden of proving why any requested unbundled switching functionality is not technically feasible. Documented

justification must be supplied to the requesting telecommunications carrier within 15 days of receipt of the request.

(3) Local Transport: Local transport includes: end office to end office transport or intermachine trunking; end office to interexchange carriers' point of presence, dedicated transport; and end office to tandem common transport.

(A) The incumbent local exchange carrier shall provide local transport at a level of technical performance that is at least equal to that supplied to itself or to any subsidiary, affiliate or any other party to which the incumbent local exchange carrier provides such facilities. The incumbent local exchange carrier shall make such facilities available, at the option of the requesting telecommunications carrier, with or without electronics (i.e. dark fiber).

(B) The incumbent local exchange carrier shall provide the requesting telecommunications carrier with ordering, provisioning, and installation standards at least equal in quality as it provides to itself or to any subsidiary, affiliate or any other party to which the incumbent provides local transport. Such intervals should be clearly stated in the agreement or statement of general terms and conditions. Failure to do so shall be subject to penalties as described in section **.700.

(4) Databases and Signaling Systems: Databases include those that support call processing (i.e., LIDB and 800), and those

that support non-call processing (e.g., directory assistance and billing information). Signaling systems exist independently of the call transmission and shall include all the necessary information to properly route and complete the call. Such signaling systems query databases for information relative to the call processing, e.g., LIDB queries determine if calling card use is valid and to whom the call should be billed, 800 queries determine to which carrier a given 800 call should be routed. The incumbent local exchange carrier shall provide unbundled access to all databases and signaling systems to any requesting telecommunications carriers in the same manner as it makes such access available to itself or to any subsidiary, affiliate or any other party.

(A) Database and signaling system unbundling shall include at a minimum: signaling links, signaling transfer points, and access to the service control points.

(B) The incumbent local exchange carrier shall provide databases and signaling networks on a nondiscriminatory basis to the requesting telecommunications carrier such that the requesting telecommunications carrier can efficiently deploy its networks. The incumbent local exchange carrier shall provision access to databases and signaling systems in the same time intervals and at least equal quality of service standards as that it affords itself or to any party to which the incumbent local exchange carrier provides databases and signaling

systems. Such intervals shall be clearly stated in the agreement and penalties apply as described in section **.700 if intervals are not met.

(5) Ancillary services: The incumbent local exchange carrier shall provide the ancillary services described herein to requesting telecommunications carriers. Additional services may be provided upon bona fide request. The incumbent local exchange carrier has the burden of proving why any requested additional ancillary services are not technically feasible. Documented justification must be supplied to the requesting telecommunications carrier within 15 days of receipt of the request. For each of the ancillary services described below, the terms and conditions negotiated shall be included in any agreement or, when relevant, in the statement of general terms and conditions. Violations shall be subject to the penalties in section **.700.

(A) Operator Services: The incumbent local exchange carrier shall provide the requesting telecommunications carrier with nondiscriminatory access to busy line verification and call interrupt on rates, terms and conditions that are at least equal to those currently provided by itself or to any party to which the incumbent local exchange carrier provides operator services.

(B) White and yellow pages directory listings: The incumbent local exchange carrier shall provide the requesting telecommunications carrier with a complete

listing of all the requesting telecommunications carrier's end users in its white and yellow pages at no additional charge.

(C) Public health and safety facilities: The incumbent local exchange carrier shall provide nondiscriminatory access to E911 system interconnection, TRS or any other public health and safety facility determined by the Commission as essential for exchange service, on rates, terms and conditions at least equal to those currently provided by the incumbent local exchange carrier to itself or to any party.

(D) Repair and maintenance: There shall be mutual repair and maintenance reporting requirements between the incumbent local exchange carrier and the requesting telecommunications carrier. These reports shall be provided at no charge. The incumbent local exchange carrier shall provide these reports in the same time intervals as those currently afforded to itself or to any other party.

(c) Incumbent local exchange carriers shall plan and design their networks such that, to the maximum extent technically feasible, any new facilities or equipment are available on an unbundled basis. Incumbent local exchange carriers that fail to implement such network architectures, as determined by the availability of unbundled network elements by other incumbent local exchange carriers, shall provide such network elements to a requesting telecommunications carrier as though such elements had

been capable of being unbundled and at the same price that would have been required by such a network architecture.

(d) If a requesting telecommunications carrier seeks access to unbundled network elements in addition to, or different from those listed in paragraph (b), the incumbent local exchange carrier must make a good faith effort to provide such network elements. The burden is on the incumbent local exchange carrier to show that it is not technically feasible to provide any network element on an unbundled basis. Documented justification must be submitted to the requesting telecommunications carrier within 15 days of request. Economic, administrative or logistical difficulty in satisfying a request for unbundled network elements is not an indication of technical infeasibility.

(e) The incumbent local exchange carrier shall provide all unbundled network elements to requesting telecommunications carriers on rates, terms and conditions that are just reasonable and nondiscriminatory and based on TSLRIC as defined in Subpart E. In no case shall the total price of any group of unbundled network elements that combined could comprise a total service exceed the lowest price for that resold service. If such requirement is violated, the prices of the individual unbundled network elements shall be reduced according to the following formula:

The reduction for an Individual Network Element	=	The original price of the <u>Individual Network Element</u> x Total Original Price of Individual Network Elements	The total original prices of individual Network Elements less the lowest price for resold services
---	---	--	---

****404 Collocation -- §§ 66-73**

(a) Except as provided in (b) below, each incumbent local exchange carrier that receives a request for collocation of equipment shall provide for physical collocation of equipment, including concentrating equipment, necessary for the interconnection of facilities in order to permit efficient transport of traffic from unbundled loops to the switching equipment of the requesting telecommunications carriers as required in section **402 above, and for access to unbundled network elements required in section **403 above. The incumbent local exchange carrier shall provide such collocation in a timely manner and within the period negotiated among the incumbent local exchange carrier and the requesting telecommunications provider, and shall provide such collocation on rates, terms and conditions that are nondiscriminatory, just and reasonable. Rates shall be based on TSLRIC.

(b) If an incumbent local exchange carrier receives a request for collocation of equipment or facilities that it believes it will be unable to satisfy for technical reasons or space limitations, it must apply to the relevant state commission for a waiver of the collocation requirement within seven days of receipt of the request. If the incumbent local exchange carrier does not apply for such waiver of the collocation request within seven days, the incumbent local exchange carrier shall waive its right to do so. If the state commission finds that physical collocation is not practical for technical reasons, or because of space limitations, the incumbent local exchange carrier shall

provide for virtual collocation of facilities and equipment necessary for interconnection of access to unbundled network elements. Economic, logistical, or administrative problems in fulfilling a request will not be considered in determining whether there are technical reasons or space limitations preventing physical collocation. Charges for virtual collocation under this section shall be no more than the charges that would have applied had physical collocation been possible.

(c) Within the collocation space, a requesting telecommunications carrier may interconnect with any other collocated telecommunications carrier without any restrictions imposed by the incumbent local exchange carrier.

(d) The incumbent local exchange carrier shall not impose any special security or other arrangements including but not limited to cages, alarms, security escorts. Such arrangements can only be imposed if agreed to by the requesting telecommunications carrier and the charges for such arrangements cannot exceed the charges the requesting telecommunications would pay to have such arrangements installed itself.

(e) The incumbent local exchange carrier shall not prohibit a requesting telecommunications carrier from providing its own installation, maintenance and repair of equipment in a collocation facility.

(f) As provided in sections **.402 and **.403 above, interconnection or access to unbundled network elements may, at the option of the requesting telecommunications carrier, be accomplished either by virtual collocation or at any mutually

agreed upon mid-span meet.

**** .405 Resale -- §§ 172-88**

(a) Each incumbent local exchange carrier has the duty to provide all its services for resale without restriction except as the Act provides.

(b) The resale price of any service, whether retail, wholesale, or term-and-volume discount of any sort, may not be less than the total price of the equivalent network elements provided pursuant to section 251(c)(3) and Rule **.403.

**** .406 Notice of Changes -- §§ 189-94**

(a) Each incumbent local exchange carrier has the affirmative duty to provide public notice to other telecommunications carriers and information service providers of changes in the information necessary for the transmission and routing of services using the incumbent local exchange carrier's facilities or network.

(b) The public notice required by paragraph (a) shall include all information relative to the physical and technical aspects of the incumbent local exchange carrier's network that would affect the ability, or the manner in which another telecommunications carrier or information service provider would interconnect with or use the incumbent local exchange carrier's network for the provision of any communications service. Such notices shall also include any information on changes to the carrier's network that would affect another carrier's

performance.

(c) The public notice required by paragraph (a) shall include, at a minimum, the name of the incumbent local exchange carrier, a name and telephone or fax number of a person to contact for further information, the date(s) the change(s) are scheduled to occur, the location of the change(s), a general description of the technical or other change(s) that are scheduled to occur, and a brief summary of the effect that the incumbent local exchange carrier expects the change will have on other carriers.

(d) The public notice required by paragraph (a) must be sent by first class mail to each carrier with whom the incumbent local exchange carrier has an agreement relating to interconnection, unbundled network elements or any other agreement relevant to the proposed change. Such notice shall also be sent by first class mail to ATIS and Bellcore.

(e) Each incumbent local exchange carrier shall also either establish its own or a shared address on the Internet where all its public notices can be accessed. Information of the Internet address shall also be provided to ATIS and Bellcore.

(f) The public notice required by paragraph (a) shall be released a reasonable amount of time prior to the proposed change(s) are scheduled to occur. Notice that is mailed six months prior to the proposed change shall be presumed to be reasonable.

Subpart E - COST STANDARDS

****501 Total Service Long Run Incremental Costs ("TSLRIC")**

TSLRIC means the forward-looking incremental cost of the entire service (or the additional costs using the most efficient currently available technology of some increment of output when all inputs can be varied). It is determined by calculating the difference between the forward-looking cost to a firm that provides the particular service along with its other services, compared to the forward-looking cost when it does not provide that service, but still provides the same level of its other services.

(1) Any assumptions relating to efficient network cost standards must be applied consistently across all network functions with respect to an incumbent local exchange carrier's provision of interconnection, unbundled elements or collocation.

(2) Spare network capacity must be completely segmented among the specific conditions that create spare capacity, and must be attributed to interconnection, unbundled network elements and collocation only on a cost-causative basis.

(3) Network engineering assumptions used to develop direct TSLRIC costs should conform to the types of services which local market entrants will compete by using interconnection, unbundled network elements or collocation elements.

(4) TSLRIC cost studies should be able to identify all costs that will be avoided when interconnection, unbundled network elements or collocation is provided to competing carriers.

(5) Joint costs must be separated from common costs and joint costs should be attributed to interconnection, unbundled network elements or collocation only when the incumbment local exchange carrier can demonstrate that the joint cost arises from the technology used to provide the interconnection, unbundled network element or collocation. Costs labeled "residual" or identified by other non-specific terminology should not be used in the studies.

(6) Inputs and outputs from the TSLRIC study should be accessible for purposes of replicating the study methods, performing sensitivity studies and comparisons to other public data.

****503 Cost Requirements**

(a) In approving rates for interconnection and unbundled elements in agreements or statements of general terms and conditions, states and the Commission shall apply the following rules:

(1) Traditional cost-of-service regulation, which relies on an examination of historical costs and rate bases, shall not be used;

(2) Cost-based rates shall be determined by TSLRIC methodology, which includes a reasonable return on

capital and therefor a reasonable profit;

(3) To the maximum extent feasible, costs shall be directly attributed to the efficient provision of individual services.

(4) The TSLRIC of an individual service:

(A) Excludes costs that are shared by two or more services, but that are unique to those services; and

(B) Excludes overhead costs that would be borne even if the service in question were not offered

Subpart F - PROCEDURAL REQUIREMENTS

****600 General**

These rules apply to all aspects of any request for interconnection arrangements made pursuant to sections 251 and 252 that has not been initiated by the date the rules become effective. As to any requests made prior to that date, the rules apply to all events (i.e., requests for mediation, appointment of a state arbitrator, state agency review, and similar discrete activities) that have not yet taken place as of the effective date of these rules, as may be applicable.

****601 Procedures for Negotiation of Agreements Under Sections 251 and 252 -- §§ 41, 264-72**

(a) Any carrier seeking interconnection arrangements ("requesting carrier") with another carrier ("providing carrier") pursuant to sections 251 and 252 of the Telecommunications Act of 1996 shall submit a request in writing to the providing carrier. Such request must:

- (1) identify the portions of sections 251 and 252 relied upon, including any specific subsections or paragraphs of sections 251 and 252,
- (2) include sufficient information pertaining to technical and other requirements so that the providing carrier can respond in a timely manner,
- (3) identify any publicly available existing interconnection agreements or statements of generally available terms filed by the providing carrier that are being relied upon by the requesting carrier, and
- (4) specify the name and telephone number of the person in the requesting carrier organization to whom any inquiry regarding the request should be made. A copy of the request must be sent to the relevant state commission(s) and the FCC.

(b) Upon receipt of a request made pursuant to paragraph (a), the providing carrier shall respond to the request in writing within fifteen business days.

(c) Upon receipt of the providing carrier's response, the requesting carrier may accept the response as submitted or seek negotiation. Negotiations must commence within fifteen business days of any such request unless a longer period is agreed to by the requesting carrier.

(d) The requesting carrier and the providing carrier have a duty to negotiate in good faith in any negotiations involving the requirements of Section 251(c).

(e) A copy of any agreement reached pursuant to a request made under paragraph (a), whether as the result of the requesting carrier's acceptance of the providing carrier's response, or the result of negotiation or mediation, must be submitted to the relevant state commission(s) for approval within five business days of the execution of the agreement. A copy must also be filed with the FCC.

****602 Mediation of Agreements -- ¶ 264**

At any time during any negotiations commenced pursuant to Section § **601 of these rules, either party may petition a state commission, or that commission's designated staff or appointed mediator, to participate in the negotiations and to mediate any differences among the parties.

****603 Arbitration of Agreements -- ¶ 264**

(a) At any time from the 135th day, to and including the 169th day after a providing carrier receives a request pursuant to § **601, any party to the negotiations relating to that request may petition a state commission, or the commission's delegated staff or appointed arbitrator, to arbitrate any open issues. Such arbitration shall comply with the requirements of Section 252 of the Telecommunications Act of 1996 and any rules not inconsistent with that Act which the state commission adopts. The arbitrator shall arbitrate all open issues, including, but not limited to, issues directly related to the duties of carriers enumerated in Section 251 of the Telecommunications Act of 1996. All arbitrated agreements must be submitted to the state

commission, or its delegated staff, for approval within five days of the conclusion of the arbitration, and also be copied to the Commission.

****604 Approval of Agreements by State Commissions**

Approval of voluntary agreements by state commissions creates no presumption that such agreements comply with any requirements of section 251. State commission approval of arbitrated agreements shall not create a presumption as to compliance with Section 251 as to any party that is not permitted to participate in the state review. State commission approval of arbitrated agreements or statements of general terms and conditions shall not create a presumption of compliance with any specific requirement of section 251 unless the State commission explicitly states that a provision in such agreement or statement complies with the specific requirement of section 251 and includes the in commission's finding its rationale for such finding. Even when a state proceeding has specifically found that an agreement or any part thereof or statement of general terms and conditions complies with any part of section 251 or 252, a challenge to that agreement is not precluded in a section 271 proceeding.

****605 Filing of Existing Interconnection Agreements -- § 48**

Any interconnection agreement between an incumbent local exchange carrier and a requesting carrier in effect on the date of enactment of the Telecommunications Act of 1996, or which is subsequently agreed to but which has not been submitted for state

approval ("existing agreements"), shall be publically filed with the relevant state commission for approval pursuant to subsection 252(e) of the Telecommunications Act of 1996 and § **.604 within fifteen busines days after these regulations become effective.

****.606 State Commission Failure to Act -- §§ 265-66**

(a) A state Commission is deemed to have failed to act pursuant to subsection 252(e)(5) of the Telecommunications Act of 1996 if it does not meet the time requirements for arbitration and review of agreements or statements of generally available terms and conditions set forth in subsections 252(b),(d), and (f) of the Telecommunications Act of 1996.

(b) Any agreement or statement of generally available terms and conditions that automatically takes effect because of a state's failure to act shall not be presumed to comply with the requirements of Section 251 of the Telecommunications Act of 1996 because of such effectiveness.

(c) Within 30 days of receipt of a petition, the FCC shall issue an order preempting the state commission's jurisdiction on the relevant proceeding or matter based on a failure to act pursuant to subsection 252(e)(5) of the Telecommunications Act of 1996. The FCC shall stay the effectiveness of any agreement or statement of general terms and conditions that automatically has taken effect because of the failure to act unless any party can demonstrate it will be irreparably harmed by such stay. The FCC shall reach a decision on the matter of arbitrating a dispute, or on whether to approve an agreement or statement of general terms